

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IN RE: §  
§  
EAGLE GEOPHYSICAL, INC., *et al.*, § CASE NO. 09-33753-H5-11  
§  
Debtors. § (Chapter 11 – Jointly Administered)

**JOINT MOTION TO EXTEND EXCLUSIVE PERIODS  
IN WHICH TO FILE AND OBTAIN ACCEPTANCES OF A PLAN**

A HEARING WILL BE CONDUCTED ON THIS MATTER ON JANUARY 13, 2010 AT 2:30 P.M. IN COURTROOM 403, 515 RUSK AVENUE, HOUSTON, TEXAS. IF YOU OBJECT TO THE RELIEF REQUESTED, YOU MUST RESPOND IN WRITING SPECIFICALLY ANSWERING EACH PARAGRAPH OF THIS PLEADING. UNLESS OTHERWISE DIRECTED BY THE COURT, YOU MUST FILE YOUR RESPONSE WITH THE CLERK OF THE BANKRUPTCY COURT WITHIN TWENTY-THREE DAYS FROM THE DATE YOU WERE SERVED WITH THIS PLEADING. YOU MUST SERVE A COPY OF YOUR RESPONSE ON THE PERSON WHO SENT YOU THE NOTICE; OTHERWISE, THE COURT MAY TREAT THE PLEADING AS UNOPPOSED AND GRANT THE RELIEF REQUESTED.

**To the Honorable Karen K. Brown,  
United States Bankruptcy Judge:**

Eagle Geophysical Onshore, Inc. and Eagle Geophysical, Inc. (collectively, the “Debtors”) and the Official Committee of Unsecured Creditors (the “Committee”) file this Joint Motion to Extend Exclusive Periods in which to File and Obtain Acceptances of a Plan.

**Nature of the Motion**

1. The Debtors and the Committee seek a 30-day extension of the exclusive periods within which the Debtors may file and obtain acceptances of a plan under § 1121(d) of the Bankruptcy Code.

### **Background**

2. On May 31, 2009, the Debtors both filed voluntary petitions for relief under Chapter 11 of Title 11 of the United States Code (the “Bankruptcy Code”). The Debtors continue to manage their properties as debtors in possession pursuant to §§ 1107 and 1108 of the Bankruptcy Code. No trustee or examiner has been appointed in these cases.

3. On September 28, 2009, the Court entered an order extending the Debtors’ exclusive period to file a plan to December 28, 2009 and their exclusive period to solicit acceptances of a plan to February 26, 2010.

### **Relief Requested**

4. The Debtors and the Committee request (i) a 30-day extension of their exclusive period to file a plan through January 27, 2010; and (ii) a 30-day extension of the Debtors’ period to obtain acceptances of a plan through March 29, 2010.

5. Pursuant to § 1121(d) of the Bankruptcy Code, the Court may extend the exclusivity for cause. While the Code does not define “cause,” courts have referred to the cause standard set forth in § 1121(d) as a general standard that allows the Bankruptcy Court “maximum flexibility to suit various types of reorganization proceedings.” *In re Gibson & Cushman Dredging Corp.*, 101 B.R. 405, 409 (E.D.N.Y. 1989) (citing *In re Public Serv. Co. of N.H.*, 88 B.R. 521, 534 (Bankr. D. N.H. 1988); *In re Amko Plastics, Inc.*, 197 B.R. 74, 77 (Bankr. S.D. Ohio 1996)).

6. The Debtors and the Committee intend to file and propose a joint plan. The Debtors have circulated a draft plan and disclosure statement to the Committee. The Committee has requested additional time to review and revise the circulated drafts. The Debtors agree that allowing the Committee additional time is appropriate under the circumstances. In light of the

foregoing, the Debtors and the Committee believe that cause exists to grant the requested extensions.

7. Accordingly, the Debtors and the Committee request that the Court (i) grant the Debtors a 30-day extension of their exclusive periods to file a plan through and including January 27, 2010; (ii) grant the Debtors a 30-day extension of the Debtors' period to obtain acceptances of a plan through and including March 29, 2010; and (iii) grant the Debtors and the Committee other just relief.

**Dated: December 22, 2009.**

Respectfully submitted,

**Porter & Hedges, L.L.P.**

By: /s/ Joshua W. Wolfshohl  
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**Counsel for the Debtors**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument was duly served by United States first class mail to all parties listed on the attached Service List and by electronic transmission to all registered ECF users appearing in the case on December 22, 2008.

/s/ Joshua W. Wolfshohl  
Joshua W. Wolfshohl

**SERVICE LIST**

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**U/S Creditors Committee**

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